

CYNTHIA B. SCOTT, *et al.*, )  
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*Plaintiffs,* )  
)  
v. )  
)  
HAROLD W. CLARKE, *et al.*, )  
)  
*Defendants.* )  
\_\_\_\_\_ )

Case No. 3:12-cv-00036-NKM  
Sr. Judge Norman K. Moon

**DECLARATION OF CYNTHIA SCOTT**

1. My name is Cynthia Scott. I am a 51-year-old woman. I have been incarcerated at FCCW since 2003. I have personal knowledge of the facts in this declaration.

2. I have underlying conditions that put me at heightened risk of serious illness or death from COVID-19. I have kidney disease, diabetes, asthma, and a chronic inflammatory condition called sarcoidosis that impacts my lungs, liver, and spleen. I am also on immunosuppressant medications, which weaken my already compromised immune system. Because of these conditions, I have been very afraid of catching COVID-19 ever since the pandemic began. To try and protect myself, I have done everything I could do: worn a mask all the time, cleaned the surfaces in my room frequently, stayed as far away from people as I can. I have spent almost all of my time in my cell to avoid contact with others.

3. On January 13, I went to an outside doctor's appointment. When I returned to FCCW, I was assigned to a cell in Wing 2-C, a Yellow Zone used for quarantining patients who might have been exposed to COVID-19. During late January, four women in my wing tested positive.

4. The last weekend of January, I began coughing. Within a day, I was having trouble breathing and felt achy all over. On Monday, February 1, 2021, I tested positive for COVID-19.

5. When I tested positive, officers took me to Wing 8-B, a Red Zone used for housing patients who have tested positive. This wing used to be used as a disciplinary Segregation unit. It was very crowded when I got here. I had to sit in the hallway for three hours before a bed opened up because the wing was full, double bunked, and there were no available beds. The women there told me that the day before I arrived, other patients had waited eight hours to get a bed.

6. The cells in 8-B have bunk beds in them. Because of my health conditions, I cannot climb up onto a top bunk, so I have a bottom bunk profile. (I also have a single room profile.) When I was finally assigned to a cell in 8-B, I discovered the woman who would be my roommate, who was already in the cell, also had a bottom bunk profile. This woman, Ms. Spears, is 68 years old and has knee problems, high blood pressure, and kidney stones.

7. Ms. Spears could see how bad my condition was, and she offered to let me sleep on the bottom bunk. During our time together in Wing 8-B, she slept on a mattress on the floor of our cell. This shows that there are not enough bottom bunks in the Red Zones for the women who need them.

8. There were around forty patients in the 8-B Red Zone when I first arrived, housed two to a cell. There are ten cells on the bottom and ten on the top. Each cell has one bunkbed, except for two on the bottom, one of which has a hospital bed in it and the other of which is a “strip cell,” which means it has nothing in it but a toilet. All the beds were full when I arrived.

9. Everyone here has tested positive for COVID-19. The doors are locked all the time, so it feels like being in a disciplinary segregation unit. It feels like we are being punished for being sick.

10. The rooms in the 8-B Red Zone have no call buttons, so if you need anything, you have to bang on the door and call out to get the guard's attention. There is a room at the front of the wing with a TV and computer, and the guard and the nurse usually stay in there. Sometimes it takes twenty minutes or more to get their attention. It gets very loud in the wing because people are knocking and calling for the officer with no response. People get scared and upset and start kicking the doors and screaming. The guards are supposed to make rounds every 20 minutes, but this does not happen. Instead, the only regular rounds made are to give food or medication out, and to do blood pressure, temperature, and pulse oximeter checks three or four times a day.

11. They will only let me out of my room to shower and use the phones/kiosk or microwaves. In order to be let out, I have to bang on the door until I can get the attention of a guard. When I have someone's attention, my name gets put on a list, and when it's my turn, they come and open the door. I often wait hours for my turn, and I am only allowed out once or twice a day, depending on who is working. There are three showers in this wing for all of us to use. The showers were cleaned for the first time since I arrived in this wing (Feb. 1) on February 11.

12. When I was moved to the Red Zone on February 1, I was really dehydrated. When I finally was assigned a cell, my roommate Ms. Spears could see how weak I was, and she helped unpacked my stuff for me so that I could lie down. At one point, the guards came and said they wanted to move me again, but I said I couldn't move, and they let me be.

13. Late that night, as I was getting ready for bed, I passed out in my room. The last thing I remember is unplugging my TV. My roommate told me she watched my head hit the toilet and other objects on my way down to the floor. The fall left me with three big knots on my head. My roommate told me I was out for five minutes. I don't remember falling. After I regained consciousness, it took another 10-15 minutes for an officer to come. During that whole time, my roommate was banging on the door calling for help.

14. When the officer finally came to check on me after I passed out, he called for a nurse. I told them I thought I was dehydrated. They took my blood pressure and it was 39/59. I keep notes on my health conditions, and any time my blood pressure is low, I write it down.

15. The nurse told me I needed an IV. They said were going to get me one, but then they told me they had another emergency to handle and gave me Gatorade instead. They told me I would get an IV the next day, but I never got one. I told them I had fallen on my head and showed them the welts on my forehead, but I was never assessed for a concussion.

16. By the next day, Tuesday, February 2, my symptoms had gotten worse. I still felt achiness everywhere and I started to cough up yellow mucus. A nurse listened to my lungs and gave me a pink pill that they said would help bring the mucus up. I explained my underlying health conditions to the nurse and why I was especially scared that COVID-19 could be deadly for me, but the nurse just gave me a cold pack. A cold pack consists of Tylenol, Motrin, CTMs (antihistamines), and a mucus pill. This is the only treatment for COVID-19 that has been made available to me. I have asked for and received it several times.

17. At times, my chest has felt like someone is sitting on it. I can't stand or move around without feeling dizzy. I can't stand in the shower for very long without getting dizzy. I feel weak and not myself. I have no appetite and have to force myself to eat. I am stuffed up and

it is hard for me to breathe. My pulse is irregular. It goes up and I feel my heart racing, and then it goes very low. Since falling the night I arrived in the Red Zone, I have had terrible headaches. I think I have a concussion, because I have three big knots on my head, and I'm still in pain. My vision has been bleary as well. I reported the headaches again to a nurse on Monday, February 8 at nighttime pill line. He said "Yep you got three big knots there" and moved on. They haven't done anything but give me Tylenol and Motrin, and I am not supposed to take much of those medications because of my danger of blood clots.

18. Since I've been in the Red Zone, two women have been to the hospital with COVID-related issues. On Monday, February 8, they brought three or four new people in here. It feels like Warden wants everyone to catch it and get it over with. They are not doing anything to stop it. On February 11, my roommate Ms. Spears was moved directly from the 8-B Red Zone to a Green Zone in Wing 3-B because she had completed her 14 days in the Red Zone. As far as I know, they did not test Ms. Spears before she was moved from a Red Zone to the Green Zone, even though she still had a bad cough the day they moved her.

19. Before I got COVID-19, my health had already been bad. I had been losing weight, and felt constantly tired, like I did the first time I went into kidney failure. At one point, I was only been using the bathroom around once a week. I filed an emergency grievance about this, and the response told me to put in a sick call. I did, and Dr. Shorter ordered blood work, but I haven't heard anything back about what the results were or what needs to be done for me.

20. I am also waiting to have a mass under my arm removed. Before the doctors can remove it, they have to do an MRI and get approval from my cardiologist. I was supposed to have the MRI at my January appointment at UVA (this was the appointment that I had to quarantine after, that landed me in the Yellow Zone where I caught COVID-19). But when I got

to the appointment, the doctors could not do the MRI because FCCW had not prepped me (I am allergic to the usual dye they put in the IV, and have to take a special preparation before MRIs). Now FCCW says they will not schedule a new MRI until March, so I will be waiting months more for this surgery.

21. I am really scared. It is filthy and loud in this Red Zone. I am not getting the attention I need. I am worried for my safety.

22. Because of COVID-19, I cannot meet in person with my attorney to sign this document. Instead, my attorney has read this declaration out loud to me. I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief and ask my attorneys to sign and file this declaration on my behalf.

/s/ Cynthia Scott

CYNTHIA SCOTT

February 11, 2021

Date